

III. REMARKS

1. Claims 17-32, 34-38, and 40-56 remain in the application. Claims 33 and 39 were previously cancelled without prejudice. Claims 17, 24, 45, and 52 have been amended.
2. Claims 17-32, 34-38, 40-47, and 49-56 are patentable over the combination of Takahara et al. (US 5,381,158, "Takahara") and Easty et al. (US 6,448,987, "Easty) under 35 USC 103(a).

The combination of Takahara and Easty fails to disclose or suggest:

determining the positions of the alternatives that surround the user on the basis of their direction with respect to the user so that the locations of the positions remain substantially the same with respect to the user irrespective of the location of the user;

wherein said positions are sectors on an arcuate area and said first movement comprises moving the member of the body to a certain sector on said arcuate area, as substantially recited by claims 17, 24, 45, and 52.

2.1. The combination of Takahara and Easty fails to disclose or suggest positions in the space that surround a user as illustrated in Figures 1 and 2 of the present application. Takahara consistently describes a 2D or 3D space "in the sight of a user" (see, for example, column 2, line 57, column 3, lines 5 and 24. All of Takahara's figures and associated description depict positions in a space that is generally in front of the user, at least in front of the user's face, and certainly not positions that surround the user. In contrast to the combination of Takahara and Easty, the present claims are directed to positions that may extend completely around the user as shown in Figures 1 and 2. The positions may, for example, extend in front, to the side, and behind the user and are not limited to being in sight of the user. There is nothing in Takahara or Easty regarding this feature.

2.2. The combination of Takahara and Easty fails to disclose or suggest that the locations of the positions remain substantially the same with respect to the user irrespective of the location of the user. In Takahara the positions cannot remain substantially the same with respect to the user irrespective of the location of the user because they are limited to the confines of the equipment. Takahara clearly states that signal lines 93R, 93L connect the data gloves to an arithmetic operation unit 94 and that signal lines 95R, 95L to the 3D display unit are also connected to the arithmetic operation unit 94 (see column 5, lines 35-38 and lines 41-46). In addition, camera 100 is used to detect head movement and hand movement (see column 14, lines 3-6). Thus, Takahara cannot function if the user moves beyond the length of the signal lines or out of range of the camera, and therefore does not disclose positions that remain the same with respect to the user irrespective of the location of the user.

Furthermore, the Examiner states at the top of page 3 in the action of 6 June 2006, that "Takahara teaches the user surrounded by alternatives within a three dimensional space, with the positions being respective to the user irrespective of the location of the user within this three dimensional space." First, in Takahara, the user is not surrounded by alternatives. The 2D or 3D space is always "in the sight of a user." Second, the present claims do not confine the user to being "within this three dimensional space," but maintain the positions irrespective of the user location. Thus, the user may reside anywhere.

In Takahara, if the user shifts to the left or right corner of the imaging area used for detecting gestures in the 3D space, the direction of the positions with respect to the user is also bound to change because the system does not work if it does not see the hands of the user. The hands would have to be angled either left or right with respect to the user when the user is located such that the imaging area is on either side in front of the user. Takahara's system is fixed to one position so that if the user moves to the next room, or in an extreme case travels a mile away, the system cannot allow the user to carry out movements to positions corresponding to alternatives because of the limited reach of a persons hands.

2.3. The combination of Takahara and Easty also fails to disclose or suggest that the positions are sectors on an arcuate area. As mentioned above, the positions of the present claims surround the user, and therefore the sectors on an arcuate area must also surround the user. There is nothing in the combination of Takahara and Easty that discloses or suggests this.

Therefore, the combination of Takahara and Easty fails to render claims 17-32, 34-38, 40-47, and 49-56 unpatentable.

3. Applicants respectfully submit that claim 48 is patentable over the combination of Takahara, Easty and Kumar et al. (US 6,624,833, "Kumar") under 35 USC 103(a).

Claim 48 depends from claim 45.

Kumar fails to disclose or suggest the features missing from the combination of Takahara and Easty argued above.

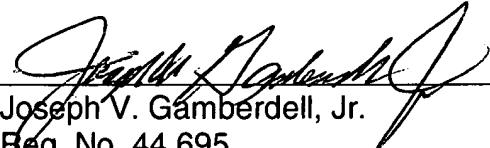
There is no disclosure in Kumar related to determining the positions of alternatives that surround a user on the basis of their direction with respect to the user so that the locations of the positions remain substantially the same with respect to the user irrespective of the location of the user. There is also no disclosure in Kumar related to positions being sectors on an arcuate area.

Therefore, the combination of Takahara, Easty and Kumar fails to render claim 48 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Joseph V. Gamberdell, Jr.
Reg. No. 44,695

28 August 2006
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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